

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)

ADVANCED TELEVISION SYSTEMS)
AND THEIR IMPACT UPON THE)
EXISTING TELEVISION)
BROADCAST SERVICE)

MM Docket No. 87-268

To: The Commission

**THE PENNSYLVANIA STATE UNIVERSITY'S
PETITION FOR PARTIAL RECONSIDERATION**

The Pennsylvania State University (the "University"), by its undersigned counsel and pursuant to 47 U.S.C. Section 405 (1996) and 47 C.F.R. Section 1.429 (1996), hereby respectfully submits this Petition for Partial Reconsideration of the Commission's Sixth Report and Order in the above-referenced proceeding (the "Sixth Report"). ^{1/} In support, the University respectfully offers the following:

- 1/ Sixth Report and Order in MM Docket No. 87-268, In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, FCC 97-115, adopted on April 3, 1997 and released on April 21, 1997, 12 FCC Rcd _____.

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1. This Petition is timely filed, within 30 days of the publication in the Federal Register of public notice of the Sixth Report. 62 Fed. Reg. 26683 (published on May 14, 1997). See 47 C.F.R. Sections 1.429(d) and 1.4(b) (1) (1996).

2. The University holds a license from the Commission to operate noncommercial, educational television broadcast station WPSX-TV on reserved National Television Systems Committee ("NTSC") Channel *3, allotted to Clearfield, Pennsylvania. WPSX-TV provides the only over-the-air noncommercial, educational television programming that is available to many of the residents of WPSX-TV's service area.

3. The Sixth Report allotted digital television broadcast ("DTV") Channel 15 to be "paired" with WPSX-TV's NTSC Channel *3. Sixth Report, at Table 1 (Page B-35). The University respectfully petitions the Commission to reconsider the allotment of UHF-band Channel 15 as WPSX-TV's paired DTV allotment, and instead to allot VHF-band Channel

7, or another suitable VHF-band DTV channel, as WPSX-TV's paired DTV allotment. ^{2/}

4. The University believes that the public interest would be better served by allotting a VHF-band DTV channel as WPSX-TV's paired DTV allotment than by allotting Channel 15 as WPSX-TV's paired DTV allotment. According to Table 1 of the Sixth Report, Channel 15 is predicted to "replicate" only 97.3% of the population currently served by WPSX-TV's NTSC Channel *3. Sixth Report, at Table 1 (Page B-35).

5. The University respectfully submits that certain unique circumstances affecting WPSX-TV's service area will result in even less replication of population served by the station than is predicted in the Sixth Report. In the first instance, the topography of the area served by WPSX-TV features numerous hills, ridges, and valleys, with the result that the signal propagation characteristics of UHF-band transmissions may not be adequate to reach viewers dwelling within the valleys.

^{2/} Channel 7 was the paired DTV allotment for WPSX-TV's NTSC Channel *3 in the Sixth Further Notice of Proposed Rule Making in this proceeding, 11 FCC Rcd 10968, 11048 (1996).

6. Secondly, significant portions of the population served by WPSX-TV's NTSC Channel *3 reside at the outer edges of the station's predicted Grade B field-intensity signal coverage contour. Again, given the limitations of UHF-band signal propagation, the University fears that operation of WPSX-TV's DTV channel in the UHF band may disenfranchise members of the station's current viewership who happen to live at the extremities of the station's current service area.

7. Lastly, as the licensee of a noncommercial, educational television station whose operations are supported by public funding and private generosity, the University is acutely concerned that it act as a careful and conservative steward of its limited financial resources. The Commission is well aware that the costs of operating a UHF-band station's transmitter significantly exceed the costs of operating a VHF-band station's transmitter having the same coverage as the UHF station. The University believes that the long-term financial health of its noncommercial, educational television service to the public of Central Pennsylvania will be better served by affording WPSX-TV's paired DTV channel every opportunity to control


its operating costs and conserve its finite financial resources.

8. The Sixth Further Notice of Proposed Rule Making, Footnote 2, supra, allotted a VHF-band DTV channel to be paired with WPSX-TV's NTSC Channel *3. The University submits that that was a wise and forward-looking decision, albeit a tentative one. The Sixth Report reversed course and allotted a UHF-band DTV channel to be paired with NTSC Channel *3. For the reasons that are set forth above, the University submits that that decision did not take into account the particular circumstances of WPSX-TV's situation. Therefore, the University urges the Commission to reconsider the Sixth Report and to allot a VHF-band DTV channel to be paired with NTSC Channel *3. Although Channel 7, which was the tentative selection in the Sixth Further Notice of Proposed Rule Making, may not be suitable, the University believes that the Commission can find another suitable VHF-band DTV allotment to pair with NTSC Channel *3. ^{3/}

^{3/} Neither the University nor its consulting broadcast engineers currently have access to the computer software or the underlying assumptions that the Commission used to construct the Table of DTV Channel Allotments set forth in Table 1 of the Sixth Report. Therefore, through no fault of its own, the University is at a loss to recommend a specific VHF-band DTV channel allotment that could be paired with NTSC
(continued...)

Respectfully submitted,

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3/ (...continued)

Channel *3. However, the University believes that the Commission, utilizing the computer programs and the assumptions that were used to construct Table 1 of the Sixth Report, can find a suitable VHF-band DTV channel allotment that could be paired with NTSC Channel *3. In the event that the University or its consulting broadcast engineers come into possession of information sufficient to enable them to perform a channel availability study for the Table of DTV Channel Allotments, the University reserves the right to supplement this Petition for Partial Reconsideration with a specific recommendation for a VHF-band DTV allotment that could be paired with NTSC Channel *3.